

CORRES CONTROL
INCOMING LTR NO

0172L RF 97

DUE DATE

ACTION



Department of Energy

ROCKY FLATS FIELD OFFICE
P O BOX 928
GOLDEN, COLORADO 80402-0928

NOV 18 1997

97-DOE-05554

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REFS-CC-4

[illegible]

Mr. Tim Rehder
Rocky Flats Project Manager
U.S. Environmental Protection Agency
999 18th Street, Suite 500, 8EPR-F
Denver, CO 80202-2466

Dear Tim,


I received your letter of November 6, 1997, containing your proposed ALF modification language relating to the proposed Sewage Treatment Plant (STP) outfall. This letter is to present the Department of Energy's (DOE's) response.

For most of 1997, Rocky Flats Environmental Technology Site (Site) personnel, including representatives of DOE, Kaiser-Hill (K-H), and Rocky Mountain Remediation Services (RMRS), met with Environmental Protection Agency (EPA) and Colorado Department of Public Health and Environment (CDPHE) representatives to discuss the reissuance of the Site's National Pollutant Discharge Elimination System (NPDES) permit. These discussions addressed a number of issues and considered eight options over a period of seven months. In August 1997, the parties reached an agreement that apparently addressed these issues.

The final configuration in the public-notice version of the NPDES permit allows the EPA and CDPHE to administer the requirements of the Clean Water Act and, independently, to assure compliance with radionuclide standards under the Comprehensive Environmental Response, Compensation and Liability Act via the Rocky Flats Cleanup Agreement (RFCA). The DOE agreed in RFCA to comply with radionuclide standards and to allow enforcement actions in the event of non-compliance. Further, the proposed configuration in the permit allows the redirection of effluent discharge directly to an existing RFCA Point of Compliance (POC), identified as Outfall STP2 in the permit.

The chief benefits of redirecting effluent to the Pond B-5 POC are it reduces the load on the surface water management system, it provides greater flexibility in pond operations, and it provides greater capacity to capture storm events. These help assure the quality of water released from the Site. In fact, removing the STP effluent from the B-series ponds will reduce the number of releases under average conditions from Pond B-5 to five or less per year. Because there are so few times that there is a potential for two separate flows at the B-5 POC, the Site recently

Reviewed for Addressee
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DOE ORDER #

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ADMIN RECORD

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Mr Rehder
97-DOE-05554

2

NOV 18 1997

suggested that STP releases either cease or be diverted to the alternative outfall (STP1) while B-5 is discharging. This would ensure that only one flow is being sampled at the B-5 POC. If outfall STP1 is used during a Pond B-5 discharge, STP effluent is still monitored at the POC, as it is now under current discharge conditions.

This arrangement meets the needs of all parties. In addition to the NPDES permit discussions, the City of Broomfield " supports the use of STP2, provided that construction of McKay Extension is made a precondition of use of STP2 " DOE has already agreed in principle to provide the requested McKay extension.

The permit meetings also discussed making minor modifications to RFCA to identify the added flow at the Pond B-5 POC. DOE has reviewed the RFCA provisions and believes that the existing language allows for additional flows at a POC, and ensures both EPA and CDPHE enforcement authority in the event of non-compliance. All flows through a POC must be monitored, and RFCA sets out those requirements. Therefore, DOE believes that modifying RFCA to add the language proposed in your November 6, 1997, letter is unnecessary.

The DOE does not believe that its position in any way indicates a change from that maintained during 1997's discussions and development of the renewal permit. Specifically, EPA and CDPHE will be able to maintain separate compliance monitoring for radionuclides in the STP effluent at a POC, except for a few times each year when water must be released from Pond B-5. Even during those times, all STP effluent will still be eventually directed through the POC, and subject to enforcement under RFCA.

It is clear that we do not agree on the need to modify RFCA. DOE believes it would be advantageous to all parties to reach conclusion on this issue before finalizing the NPDES permit. Therefore, in accordance with RFCA paragraph 252, DOE requests that we utilize the RFCA dispute resolution process (e.g., Part 15B) and quickly elevate this issue to the Dispute Resolution Committee.

I will be contacting you by telephone on the next few days to discuss this. If you have any questions, please feel free to call me at (303) 966-4839.

Sincerely,



Steve W. Slaten
RFCA Project Coordinator

Mr Rehder
97-DOE-05554

3

NOV 18 1997

cc
City of Broomfield
City of Westminster
S Tarlton, CDPHE
J Legare, AMEC, RFFO
G Hill, AMEC, RFFO
R April, RLG, RFFO
J Stover, RLG, RFFO
M McCann, OCC, RFFO
R Di Salvo, OCC, RFFO
T Howell, OCC, RFFO
D Shelton, K-H
G Setlock, K-H
R Fiehweg, RMRS
Administrative Record

